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HOTEL AND MULTIPLE DWELLING LAW

N.J.S.A. 55:13A-1 SHORT TITLE

This act shall be known as, and may be cited as, the "Hotel and Multiple Dwelling Law."

L. 1967, c. 76, § 1, eff. May 31, 1967. Amended by L. 1970, c. 138, § 1.

N.J.S.A. 55:13A-2 DECLARATION OF POLICY; LIBERAL CONSTRUCTION

This act being deemed and hereby declared remedial legislation necessary for the protection of the health and welfare of the residents of this State in order to assure the provision therefor of decent, standard and safe units of dwelling space, shall be liberally construed to effectuate the purposes and intent thereof.

L. 1967, c. 76, § 2, eff. May 31, 1967.

N.J.S.A. 55:13A-3 DEFINITIONS

The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, except in those instances where the context clearly indicates otherwise:

- (a) The term "act" shall mean this act, any amendments or supplements thereto, and any rules and regulations promulgated thereunder.
- (b) The term "accessory building" shall mean any building which is used in conjunction with the main building of a hotel, whether separate therefrom or adjoining thereto.
- (c) The term "board" shall mean the Hotel and Multiple Dwelling Health and Safety Board created by subsection (a) of section 5 of this act in the Division of Housing and Development of the Department of Community Affairs.
- (d) The term "bureau" shall mean the Bureau of Housing Inspection in the Department of Community Affairs.
- (e) (deleted by amendment)
- (f) The term "commissioner" shall mean the Commissioner of the Department of Community Affairs.
- (g) The term "department" shall mean the Department of Community Affairs.
- (h) The term "unit of dwelling space" or the term "dwelling unit" shall mean any room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which is occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof, or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.
- (i) The term "protective equipment" shall mean any equipment, device, system or apparatus, whether manual, mechanical, electrical or otherwise, permitted or required by the commissioner to be constructed or installed in any hotel or multiple dwelling for the protection of the occupants or intended occupants thereof, or of the public generally.

(j) The term “hotel” shall mean any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests. This definition shall also mean and include any hotel, motor hotel, motel, or established guesthouse, which is commonly regarded as a hotel, motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in this act, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such nor shall this definition be construed to include a rooming house or a boarding house as defined in the “Rooming and Boarding House Act of 1979,” P.L. 1979, c. 496 (C. 55:13B-1 et al.) or, except as otherwise set forth in P.L. 1987, c. 270 (C. 55:13A-7.5, 55:13A-7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility, as defined in this section.

(k) The term “multiple dwelling” shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other. This definition shall also mean any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two units of dwelling space are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. This definition shall not include:

(1) any building or structure defined as a hotel in this act, or registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, or occupied or intended to be occupied exclusively as such;

(2) a building section containing not more than four dwelling units, provided the building has at least two exterior walls unattached to any adjoining building section and the dwelling units are separated exclusively by walls of such fire-resistant rating as comports with the “State Uniform Construction Code Act,” P.L. 1975, c. 217 (C. 52:27D-119 et seq.) at the time of their construction or with a rating as shall be established by the bureau in conformity with recognized standards and the building is held under a condominium or cooperative form of ownership, or by a mutual housing corporation, provided that if any units within such a building section are not occupied by an owner of the unit, then that unit and the common areas within that building section shall not be exempted from the definition of a multiple dwelling for the purposes of P.L. 1967, c. 76 (C. 55:13A-1 et seq.). A condominium association, or a cooperative or mutual housing corporation shall provide the bureau with any information necessary to justify an exemption for a dwelling unit pursuant to this paragraph; or

(3) any building of three stories or less, owned or controlled by a nonprofit corporation organized under any law of this State for the primary purpose to provide for its shareholders or members housing in a retirement community as same is defined under the provisions of the “Retirement Community Full Disclosure Act,” P.L. 1969, c. 215 (C. 45:22A-1 et seq.), provided that the corporation meets the requirements of section 2 of P.L. 1983, c. 154 (C. 55:13A-13.1).

(l) The term “owner” shall mean the person who owns, purports to own, or exercises control of any hotel or multiple dwelling. The term “owner” shall also mean and include any person who owns, purports to own, or exercises control over three or more dwelling units within a multiple dwelling.

(m) The term “person” shall mean any individual, corporation, association, or other entity, as defined in R.S. 1:1-2.

(n) The term “continuing violation” shall mean any violation of this act or any regulation promulgated thereunder, where notice is served within two years of the date of service of a previous notice and where violation, premise and person cited in both notices are substantially identical.

(o) The term "project" shall mean a group of buildings subject to the provisions of this act, which are or are represented to be under common or substantially common ownership and which stand on a single parcel of land or parcels of land which are contiguous and which group of buildings is named, designated or advertised as a common entity. The contiguity of such parcels shall not be adversely affected by public rights-of-way incidental to such buildings.

(p) The term "mutual housing corporation" means a corporation not-for-profit incorporated under the laws of New Jersey on a mutual or cooperative basis within the scope of Title VI, s. 607 of the "Lanham Public War Housing Act," 54 Stat. 1125, 42 U.S.C. § 1501 et seq., as amended, which acquired a National Defense Housing Project pursuant to said act.

(q) "Condominium" means the form of ownership so defined in the "Condominium Act," P.L. 1969, c. 257 (C. 46:8B-1 et seq.).

(r) "Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling constructed or to be constructed by said corporation or association.

(s) "Retreat lodging facility" means a building or structure, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, owned by a nonprofit corporation or association which has tax-exempt charitable status under the federal Internal Revenue Code and which has sleeping facilities used exclusively on a transient basis by persons participating in programs of a religious, cultural or educational nature, conducted under the sole auspices of one or more corporations or associations having tax-exempt charitable status under the federal Internal Revenue Code, which are made available without any mandatory charge to such participants.

L. 1967, c. 76, § 3; amended 1970, c. 138, § 2; 1976, c. 40; 1983, c. 2, § 1; 1983, c. 154, § 1; 1983, c. 447; 1987, c. 270, § 1; 1997, c. 311; 1999, c. 384.

N.J.S.A. 55:13A-4 SUPERVISOR OF BUREAU OF HOUSING INSPECTION; ADMINISTRATION AND ENFORCEMENT OF ACT

The Bureau of Housing Inspection heretofore constituted in the Division of Housing and Urban Renewal in the Department of Community Affairs by section 23 of chapter 293 of the laws of 1966 shall be under the immediate supervision of a supervisor, who shall administer and enforce the provisions of this act, subject to the supervision and control of the commissioner, and who shall perform such other duties as the commissioner may direct or as may be provided by law. Said supervisor shall be a licensed architect or professional engineer of this State who shall be appointed by the commissioner subject to the provisions of Title 11 of the Revised Statutes, Civil Service.

L. 1967, c. 76, § 4, eff. May 31, 1967.

N.J.S.A. 55:13A-5 ABOLITION OF OFFICES AND TRANSFER OF POWERS, FUNCTIONS, AND DUTIES

(a) The Board of Housing Inspection heretofore constituted in the Division of Housing and Urban Renewal in the Department of Community Affairs by section 23 of chapter 293 of the laws of 1966 is hereby abolished, except that the powers, functions and duties of said Board of Housing Inspection are hereby transferred to and vested in the commissioner. In its stead, there is hereby created in the Division of Housing and Urban Renewal of the Department of Community Affairs a Hotel and Multiple Dwelling Health and Safety Board. Said board shall consist of 10 members, each of whom shall be a resident of this State, to be appointed by the Governor with the advice and consent of the Senate for terms of 5 years. Of the members appointed by the Governor, 6 shall be residents of this State representing the general public, 2 shall be representatives of the hotel and motel industry by reason of experience in the construction or operation of hotels or motels, and 2 shall be representatives of the real estate industry by

reason of experience in the construction, operation or sales of multiple dwellings. Each member shall serve for the term of his appointment and until his successor shall have been appointed and qualified. Any vacancy in the membership of the board shall be filled by appointment for the unexpired term only. Any member of the board may be removed by the Governor at any time, for cause, upon notice and opportunity to be heard. The members of the board shall serve without compensation, but shall be entitled to reimbursement for all necessary expenses incurred in the discharge of their duties.

The board shall consult with and advise the commissioner with respect to rules and regulations proposed to be promulgated pursuant to this act and advise the commissioner on matters concerning hotel and multiple dwelling health and safety generally. The board shall meet at the call of the commissioner, the time and place of such meeting to be fixed by the commissioner. The board shall annually elect one of its members as the chairman thereof, and such other officers as it may deem appropriate.

The persons in office on the effective date of this act as members of the Board of Housing Inspection hereby abolished shall continue in office as members of the Hotel and Multiple Dwelling Health and Safety Board created herein, for the periods of their respective terms as members of said Board of Housing Inspection which remain unexpired on the effective date of this act, and until their respective successors are appointed by the Governor and have qualified.

(b) The office of supervisor of hotel fire safety heretofore constituted in the Bureau of Housing Inspection of the Division of Housing and Urban Renewal in the Department of Community Affairs by section 24 of chapter 293 of the laws of 1966 is hereby abolished, except that the powers, functions and duties of said office of supervisor of hotel fire safety are hereby transferred to and vested in the commissioner.

L. 1967, c. 76, § 5, eff. May 31, 1967.

N.J.S.A. 55:13A-6 POWERS OF COMMISSIONER

The commissioner is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this act, including but not limited to, the power:

(a) To provide owners or groups of owners with such advisory consultation and educational services as will assist said owners or groups of owners to discharge their responsibilities under this act, and to suggest to said owners or groups of owners methods and procedures by which they may develop and implement health and safety programs;

(b) To enter and inspect, without prior notice, any hotel or multiple dwelling as provided by this amendatory and supplementary act, and to make such investigation as is reasonably necessary to carry out the provisions of this act;

(c) To administer and enforce the provisions of existing law, and any amendments and supplements thereto, and any rules or regulations promulgated thereunder, concerning the regulation of multiple dwellings, also commonly known as tenements, and hotels;

(d) To issue subpoenas to any person subject to this act which shall compel attendance at any hearing as a witness and shall compel production of such reports, documents, books or papers, in any part of the State before the commissioner or a member of the department designated by him, as the commissioner may deem necessary to implement the purposes of this act. In any case where a person neglects or refuses to obey the command of such subpoena, the commissioner may apply ex parte to the Superior Court for an order compelling a person to testify or to produce files, books, papers, documents or other objects in accordance with the subpoena issued by the commissioner and, in addition, said person shall be subject to a penalty of \$100,000.00 for each instance in which he does not comply with the subpoena issued by the commissioner, said penalty to be recovered pursuant to section 18 of this act;

(e) To issue and promulgate such rules and regulations as the commissioner may deem necessary to implement the purposes of this act, which rules and regulations shall have the force and effect of law until revised, repealed or amended from time to time by the commissioner in the exercise of his discretion; provided, that any such rules and regulations shall be filed with the Office of Administrative Law;

(f) To enforce and administer the provisions of this act, enter complaints against any person violating the provisions of this act, and to prosecute or cause to be prosecuted violations of the provisions of this act in administrative hearings and civil actions in State or local courts;

(g) To assess penalties and to compromise and settle any claim for a penalty for any violation of the provisions of this act in such amount in the discretion of the commissioner as may appear appropriate and equitable under all of the circumstances of said violation in any of the actions or proceedings mentioned in subsection (f);

(h) To institute an in rem action against the property upon which a violation exists in cases where the owner, after diligent effort, cannot be served;

(i) To institute a quasi in rem action against the owner by attachment of the property upon which a violation exists, followed by service by publication, in cases where the owner, after diligent effort, cannot be served;

(j) To hold and exercise all the rights and remedies available to a judgment creditor where a judgment lien arises as a result of a penalty action or an administrative proceeding taken pursuant to enforcement of this act; and

(k) To adopt, amend and repeal, after consultation with the Hotel and Multiple Dwelling Health and Safety Board, rules concerning the qualifications and licensing of persons employed by local agencies and municipalities to enforce this amendatory and supplementary act and fees to cover the cost of any licensing program.

Amended by L. 1970, c. 138, § 3; 1987, c. 30, § 1.

N.J.S.A. 55:13A-7 RULES AND REGULATIONS

The commissioner shall issue and promulgate, in the manner specified in section 8 of P.L. 1967, c. 76 (C. 55:13A-8), such regulations as the commissioner may deem necessary to assure that any hotel or multiple dwelling will be maintained in such manner as is consistent with, and will protect, the health, safety and welfare of the occupants or intended occupants thereof, or of the public generally.

Any such regulations issued and promulgated by the commissioner pursuant to this section shall provide standards and specifications for such maintenance materials, methods and techniques, fire warning and extinguisher systems, elevator systems, emergency egresses, and such other protective equipment as the commissioner shall deem reasonably necessary to the health, safety and welfare of the occupants or intended occupants of any units of dwelling space in any hotel or multiple dwelling, including but not limited to:

(a) Structural adequacy ratings;

(b) Methods of egress, including fire escapes, outside fireproof stairways, independent stairways, and handrails, railings, brackets, braces and landing platforms thereon, additional stairways, and treads, winders, and risers thereof, entrances and ramps;

(c) Bulkheads and scuttles, partitions, walls, ceilings and floors;

- (d) Garbage and refuse collection and disposal, cleaning and janitorial services, repairs, and extermination services;
- (e) Electrical wiring and outlets, and paints and the composition thereof;
- (f) Doors, and the manner of opening thereof;
- (g) Transoms, windows, shafts and beams;
- (h) Chimneys, flues and central heating units;
- (i) Roofing and siding materials;
- (j) Lots, yards, courts and garages, including the size and location thereof;
- (k) Intakes, open ducts, offsets and recesses;
- (l) Windows, including the size and height thereof;
- (m) Rooms, including the area and height thereof, and the permissible number of occupants thereof;
- (n) Stairwells, skylights and alcoves;
- (o) Public halls, including the lighting and ventilation thereof;
- (p) Accessory passages to rooms;
- (q) Cellars, drainage and air space;
- (r) Water-closets, bathrooms and sinks;
- (s) Water connections, including the provision of drinking and hot and cold running water;
- (t) Sewer connections, privies, cesspools, and private sewers;
- (u) Rain water and drainage conductors; and
- (v) Entrances and ramps; and
- (w) Presence of lead-based paint hazards in multiple dwellings, exclusive of owner-occupied dwelling units, subject to P.L. 2003, c. 311 (N.J.S.A. 52:27D-437.1 et al.) (now before the Legislature as this bill). In a common-interest community, any inspection fee for and violation found within a unit which is solely related to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

L. 1967, c. 76, § 7, eff. May 31, 1967.

N.J.S.A. 55:13A-7.1 EQUIPMENT WITH SMOKE DETECTORS OR ALARMS; RULES AND REGULATIONS

Every hotel and multiple dwelling shall be equipped with smoke detectors or smoke alarms or both in conformance with rules and regulations promulgated by the Commissioner of the Department of Community Affairs. Such rules and regulations shall specify the number, location, specifications, maintenance and periodic testing of smoke detectors and smoke alarms based upon the construction,

size and design of such building, and any other rules and regulations which the commissioner considers necessary for the administration of this supplemental act.

L. 1979, c. 419, § 1, eff. Feb. 8, 1980.

N.J.S.A. 55:13A-7.2 NO CODE OR STANDARD TO EXCEED STANDARDS UNDER “STATE UNIFORM CONSTRUCTION CODE ACT”

Nothing in this supplemental act shall permit the adoption of any code or standard which exceeds the standards adopted under the “State Uniform Construction Code Act,” (P.L. 1975, c. 217; C. 52:27D-119 et seq.).

L. 1979, c. 419, § 2, eff. Feb. 8, 1980.

N.J.S.A. 55:13A-7.3 HANDICAPPED PERSONS; MULTIPLE DWELLING PARKING SPACES; HANDICAPPED DEFINED

Any owner of a multiple dwelling which, as of the enactment of this act or at any time thereafter, provides parking to the occupants thereof, and in which a handicapped person resides, shall provide parking spaces for occupants who are handicapped located at the closest possible proximity to the principal accesses of the multiple dwelling.

A minimum of 1% of the total number of parking spaces provided for the occupants of the multiple dwelling, but not less than one parking space, shall be set aside as parking for the handicapped. Each space or group of spaces shall be identified with a clearly visible sign displaying the International Symbol of Access along with the following wording: “This space reserved for physically handicapped drivers.” Where possible, the space shall be 12 feet wide to allow room for a person in a wheelchair or on braces or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking and shall be located so that a person in a wheelchair or using braces or crutches is not compelled to wheel or walk behind parked cars. Where applicable, curb ramps shall be provided to permit a handicapped person access from the parking area to the sidewalk.

For purposes of this section “handicapped” means a physical impairment which confines a person to a wheelchair; causes a person to walk with difficulty or insecurity; affects the sight or hearing to the extent that a person functioning in public areas is insecure or exposed to danger; causes faulty coordination; or reduces mobility, flexibility, coordination and perceptiveness to the extent that facilities are needed to provide for the safety of that person.

L. 1985, c. 280, § 1.

N.J.S.A. 55:13A-7.4 EXCEPTION TO MULTIPLE DWELLING HANDICAPPED PERSONS PARKING SPACE REQUIREMENTS

This act shall not apply to any multiple dwelling with fewer than 5 units.

L. 1985, c. 280, § 2.

N.J.S.A. 55:13A-7.5 SECURITY REQUIREMENTS; NONENFORCEMENT

No regulation establishing unit door or other internal security requirements or any other requirement not substantially related to the protection of the health, safety or welfare of occupants or of the public generally shall be enforced in any retreat lodging facility.

L. 1987, c. 270, § 4.

N.J.S.A. 55:13A-7.6 APPLICABILITY OF OTHER ACTS TO RETREAT LODGING FACILITIES

Except as otherwise set forth in sections 2, 3, and 4 of P.L. 1987, c. 270 (C. 55:13A-12.1, 55:13A-13.2, 55:13A-7.5), all provisions of P.L. 1967, c. 76 (C. 55:13A-1 et seq.), as amended and supplemented, and of the regulations pursuant thereto, shall be applicable to retreat lodging facilities in the same manner as to hotels.

L. 1987, c. 270, § 5.

N.J.S.A. 55:13A-7.7 HOTEL OWNERS REQUIRED TO POST FIRE OR SMOKE EMERGENCY INFORMATION

(a) The owner of a hotel shall post, in a prominent place in each dwelling unit, a notice that states:

1. The location of the nearest exits and fire alarms;
2. The procedures to be followed when a smoke or fire alarm sounds;
3. The procedures to be followed in the event of fire or smoke.

(b) The Commissioner of the Department of Community Affairs shall adopt regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) to implement the provisions of this act.

L. 1991, c. 218, § 1.

N.J.S.A. 55:13A-7.8 INDIRECT APPORTIONMENT OF HEATING COSTS

As used in this act, "indirect apportionment of heating costs" in a multiple dwelling means the charging to each dwelling unit within that multiple dwelling of a portion of the heating costs for the multiple dwelling as a whole on the basis of any method or device other than direct measurement of fuel or current consumption by separate metering devices, approved by the Board of Public Utilities pursuant to R.S. 48:2-25, for each such dwelling unit.

L. 1991, c. 453, § 1.

N.J.S.A. 55:13A-7.9 METHOD OR DEVICE TO APPORTION HEATING COSTS SUBJECT TO APPROVAL BY COMMISSIONER; CERTIFICATION

(a) Any method or device used, or intended to be used, for the indirect apportionment of heating costs in a multiple dwelling shall be subject to approval by the commissioner.

(b) Except as provided in section 4 of this act, on and after the effective date of this act no method or device of measurement or calculation for the purpose of indirect apportionment of heating costs shall be installed or employed until the commissioner has certified, upon the basis of evidence and documentation presented in accordance with rules adopted pursuant to section 3 of this act, that:

1. the method and any device proposed to be employed for that purpose are reliable and accurate;
2. a schedule of inspection and maintenance sufficient to ensure the continued reliability and accuracy of the system will be maintained;

3. the method of calculation and apportionment will result in an equitable distribution of heating costs among the dwelling units of the multiple dwelling upon the basis of actual usage;
4. the system will incorporate a provision of individual thermostatic controls permitting heat usage in each dwelling unit to be varied by the tenants thereof;
5. billing of heating costs to each dwelling unit shall include, for the period covered by each such billing, a statement of the actual fuel or current costs incurred during that period for the entire multiple dwelling and of the proportion thereof apportioned to each dwelling unit;
6. no costs other than those for fuel or current be apportioned under this method.

(c) Regulations adopted by the commissioner under authority of this act shall require adequate certification of the performance of inspection and maintenance pursuant to paragraph (2) of subsection b. of this section. Failure to maintain a required schedule of maintenance and inspection, or to correct promptly any failure or malfunction in the system of indirect apportionment of heating costs shall constitute a violation of the act to which this act is a supplement.

L. 1991, c. 453, § 2.

N.J.S.A. 55:13A-7.10 RULES, REGULATIONS

The Commissioner of Community Affairs shall adopt and promulgate, in accordance with the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), all rules and regulations necessary or expedient to effectuate the provisions and purposes of this act.

L. 1991, c. 453, § 3.

N.J.S.A. 55:13A-7.11 SYSTEMS OF INDIRECT APPORTIONMENT ALREADY IN USE

Notwithstanding the provisions of section 2 of this act, in any multiple dwelling where a system of indirect apportionment of heating costs is in use upon the effective date of this act, that system may continue in use pending application for and issuance of approval by the commissioner, for not more than six months following that effective date.

L. 1991, c. 453, § 4.

N.J.S.A. 55:13A-7.12 CHILD PROTECTION WINDOW GUARD; DEFINITION; DESIGN, CONSTRUCTION, AND INSTALLATION

As used in this act, "child-protection window guard" means a bar, screen or grille assembly designed to be installed in a window for the purpose of preventing accidental fall or ejection of a child through the window. It shall be so designed, constructed and installed that no person of the age of 10 years or younger may through accident, ignorance or inadvertence, remove, open or dislodge it so as to permit such fall or ejection. Such window guards shall conform to specifications developed by the commissioner regarding design, construction and installation so as to accomplish the purpose of this act.

L. 1995, c. 120, § 1.

N.J.S.A. 55:13A-7.13 LANDLORDS REQUIRED TO PROVIDE CHILD PROTECTION WINDOW GUARDS; WRITTEN REQUEST BY TENANT; EXCEPTIONS

(a) Except as provided in subsection b of this section, the owner, lessor, agent or other person who manages or controls a multiple dwelling shall, upon the written request of a tenant, provide, install and

maintain a child-protection window guard on the windows of each dwelling unit in which a child or children 10 years of age or under reside and on any windows in the public halls of a multiple dwelling in which any child or children of such age reside.

(b) The requirements of subsection a of this section shall apply to all windows, except those windows which give access to a fire escape or which are on the first floor. In addition, the provisions of this act shall not apply to any window in (1) an owner occupied dwelling unit, (2) a dwelling unit which is a part of a condominium or which is held by a proprietary lessee under a cooperative form of ownership, or (3) a dwelling unit occupied by a shareholder in a mutual housing corporation.

(c) Any child-protection window guard installed pursuant to this act shall conform to the requirements of the State Uniform Construction Code with respect to means of emergency egress, and a window guard installed on an emergency egress window shall be releasable or removable from the inside without use of a key, tool or excessive force. Window guards installed on all other windows shall be designed, constructed, and installed so that they may not deliberately or through accident, ignorance or inadvertence, be removed, opened, or dislodged without the use of a key or tool.

L. 1995, c. 120, § 2.

N.J.S.A. 55:13A-7.14 LEASES TO CONTAIN NOTICE OF AVAILABILITY OF WINDOW GUARDS; NEED FOR WRITTEN REQUEST; ANNUAL NOTICE TO TENANTS; COSTS

(a) All leases offered to tenants in multiple dwellings shall contain a notice, conspicuously set forth therein, advising tenants and prospective tenants of the availability of window guards under this act and the need for a tenant to request in writing the installation of window guards.

(b) The owner, lessor, agent or other person who manages or controls a multiple dwelling shall cause to be delivered to each dwelling unit therein an annual notice, in form and manner prescribed by the commissioner, advising occupants of the obligation of the said owner, lessor, agent or other person to install child-protection window guards pursuant to section 2 of this act.

(c) Notwithstanding any municipal ordinance to the contrary, expenditures made pursuant to this act shall be deemed to be capital improvement costs, which may be passed on to the tenants of the multiple dwelling.

L. 1995, c. 120, § 3.

N.J.S.A. 55:13A-7.15 REMOVAL OR TAMPERING WITH WINDOW GUARDS PROHIBITED

No tenant or occupant of a multiple dwelling unit, or any other person, shall obstruct or interfere with the installation of child-protection window guards required under section 2 of this act, nor shall any person remove or otherwise render ineffective such window guards.

L. 1995, c. 120, § 4.

N.J.S.A. 55:13A-7.16 RULES AND REGULATIONS

The commissioner is hereby authorized to make and promulgate, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), all regulations necessary to carry out this act, including, but not limited to, regulations regarding the design, construction, and installation of window guards.

L. 1995, c. 120, § 5.

N.J.S.A. 55:13A-7.17 HOTELS AND MULTIPLE DWELLINGS

Every unit of dwelling space in a hotel and multiple dwelling shall be equipped with one or more carbon monoxide sensor devices that bear the label of a nationally recognized testing laboratory and have been tested and listed as complying with the most recent Underwriters Laboratories standard 2034, or its equivalent, unless it is determined that no potential carbon monoxide hazard exists for that unit. Any such installation or determination shall be made in accordance with the rules promulgated by the Commissioner of Community Affairs.

L. 1999, c. 15, § 2.

N.J.S.A. 55:13A-7.18 POSTING OF CONSUMER CONFIDENCE REPORTS; OWNER OF MULTIPLE DWELLING

(a) The owner of a multiple dwelling who is required to prepare a Consumer Confidence Report pursuant to the "Safe Drinking Water Act Amendments of 1996," 42 U.S.C. § 300f et al., or who receives a Consumer Confidence Report from the owner or operator of a public community water system, shall post each Consumer Confidence Report it prepares or receives in each common area routinely used by the tenants living in the multiple dwelling unit, or, if there is no common area routinely used by the tenants, the owner of the multiple dwelling shall transmit a copy of the Consumer Confidence Report to each dwelling unit.

(b) The owner of a multiple dwelling unit who is a supplier of water but is not required to prepare a Consumer Confidence Report pursuant to the "Safe Drinking Water Act Amendments of 1996," and who is required to conduct tests of its drinking water by the Department of Environmental Protection, shall post a chart setting forth the results of the water tests, including the level of detection and, as appropriate for each contaminant, the maximum contaminant level, highest level allowed, action level, treatment technique, or other expression of an acceptable level, for each contaminant, in each common area routinely used by the tenants living in the multiple dwelling unit, or, if there is no common area routinely used by the tenants, the owner of the multiple dwelling shall transmit a copy of the chart to each dwelling unit. The chart also shall include in bold print the statement required to be included in a Consumer Confidence Report pursuant to 40 CFR § 141.154(a). The chart shall not include contaminants that are not detected.

(c) The Commissioner of the Department of Community Affairs shall include in the statement of the established rights and responsibilities of residential tenants and landlords prepared pursuant to section 3 of P.L. 1975, c. 310 (C. 46:8-45) the requirements imposed on owners of multiple dwellings pursuant to subsection a and subsection b of this section. The Department of Community Affairs shall enforce the provisions of this section. The Department of Community Affairs shall not be required to conduct on-site inspections to determine compliance with this section more frequently than any on-site inspections of multiple dwellings are conducted by the department pursuant to any other law.

(d) As used in this section, "multiple dwelling" and "dwelling unit" shall have the same meaning as in section 3 of P.L. 1967, c. 76 (C. 55:13A-3).

L. 1999, c. 362, § 8.

N.J.S.A. 55:13A-8 TRANSMITTAL OF COPIES OF REGULATIONS TO BOARD; PUBLICATION; HEARING; EFFECTIVE DATE

(a) Prior to the adoption, amendment, or repeal of any regulations pursuant to this act, the commissioner shall:

1. Transmit copies of the proposed regulations to the board for its review and recommendations. Within 30 days of the receipt of copies of said proposed regulations, the board shall provide the commissioner with such written recommendations thereon as it may have;
2. Publish in the New Jersey Register a general notice of intention to promulgate regulations, which notice shall include (1) a reference to the authority under which the regulations are proposed; (2) a statement of the purpose of the proposed regulations; (3) either the terms or substance of the proposed regulations or a description of the subjects and issues involved; (4) a statement that a copy of the proposed regulations may be obtained by any person upon written request to the bureau; and (5) a statement of the date, time and place for a public hearing on the proposed regulations, which date shall not be less than 20 days nor more than 30 days after the publication of the notice of intention to promulgate proposed regulations, and not less than 50 days after transmittal by the commissioner of copies of said proposed regulations to the board.

(b) (deleted by amendment)

(c) Any person appearing at said public hearing shall be afforded an opportunity to be heard, either through the submission of written data, views, or arguments or the oral presentation of the same. Upon the expiration of the 30 days next succeeding the date of said public hearing, the commissioner shall issue and promulgate the regulations required to be issued and promulgated by section 7 of this act, either as originally proposed or as amended or revised by the commissioner subsequent to said public hearings, which regulations shall be effective on such date as may be provided therein.

L. 1967, c. 76, § 8, eff. May 31, 1967. Amended by L. 1970, c. 138, s. 4.

N.J.S.A. 55:13A-9 EFFECT OF REGULATIONS; REVISION, REPEAL, OR AMENDMENT

(a) Any regulations issued by the commissioner pursuant to sections 7 and 8 of this act shall have the force and effect of law until revised, repealed or amended by the commissioner as hereinafter provided.

(b) The commissioner may, from time to time subsequent to the issuance and promulgation of regulations pursuant to sections 7 and 8 of this act, revise, repeal or amend any such regulation as he may deem necessary. No such regulation shall be revised, repealed or amended by the commissioner except pursuant to the provisions of section 8 of this act.

L. 1967, c. 76, § 9, eff. May 31, 1967.

N.J.S.A. 55:13A-10 CONSTRUCTION OF HOTELS OR MULTIPLE DWELLINGS; CONVERSION OR ALTERATION; COMPLIANCE WITH REGULATIONS

(a) Any hotel or multiple dwelling the construction of which shall be commenced, or any building not constructed for use as a hotel or multiple dwelling but the conversion or alteration of which to such use shall be commenced, subsequent to the effective date of any regulations required to be issued and promulgated pursuant to sections 7 and 8 of this act, shall be subject to, and shall fully comply with, said regulations.

(b) Any hotel or multiple dwelling the construction of which shall have been commenced in good faith, or any hotel or multiple dwelling which is used or occupied, or any building not constructed for use as a

hotel or multiple dwelling but the conversion or alteration of which to such use shall have been commenced in good faith, on or before the effective date of any regulations required to be issued and promulgated pursuant to sections 7 and 8 of this act, shall be subject to, and shall fully comply with, said regulations on or before the first anniversary of the effective date of said regulations.

L. 1967, c. 76, § 10, eff. May 31, 1967.

N.J.S.A. 55:13A-11 CONVERSION OR ALTERATION OF EXISTING BUILDINGS; EXCEPTION FROM REGULATIONS; WRITTEN NOTICE TO OCCUPANTS OF EXCEPTIONS WHICH AFFECT SAFETY

(a) Upon the application of the owner of any hotel or multiple dwelling, or any building not constructed for use as a hotel or multiple dwelling but which has been or shall be converted or altered to such use, the commissioner may grant exceptions from the literal requirements of any regulation issued pursuant to sections 7 and 8 of this act. No such exceptions shall be granted in any particular case unless the commissioner shall find: (1) that strict compliance with any such regulation, if required, would result in undue hardship to such owner; and (2) that the exception, if granted, will not unreasonably jeopardize the health, safety and welfare of intended occupants and the public generally.

(b) An application for an exception pursuant to this section shall be filed in writing with the commissioner, and shall set forth specifically: (1) a statement of the requirements of the regulation from which an exception is sought; (2) a statement of the manner by which strict compliance with said regulation would result in undue hardship; (3) a statement of the nature and extent of such undue hardship; and (4) a statement of feasible alternatives to the requirements of the regulation which would adequately protect the health, safety and welfare of the occupants or intended occupants and the public generally.

(c) Within the 30 days next succeeding the receipt by the commissioner of an application for an exception, the commissioner shall grant or deny said application by written order, stating therein the reason or reasons for the grant or denial of said application. The commissioner shall maintain records of all applications for exceptions, and the action taken thereon, and shall make such records reasonably available for public inspection.

(d) The owner of each hotel or of each multiple dwelling granted an exception to any regulation which shall be deemed to affect the safety of the occupants of the structure by the commissioner shall provide to every applicant or occupant of such hotel or multiple dwelling a written notice citing the specific regulation for which an exception has been granted and stating the exceptions thereto granted by the commissioner to the owner of such hotel or multiple dwelling. Such written notice shall, in the case of a hotel or motel, be posted in a prominent place freely accessible to the occupants and to the general public, and, in the case of a multiple dwelling, such written notice shall be attached to the lease of each affected dwelling unit, and, in the case of a school dormitory, such written notice shall be attached to the housing agreement of each affected housing unit. In the case of exceptions granted to common areas in a multiple dwelling or in a school dormitory, such written notice shall be attached to all leases or housing agreements, as appropriate.

L. 1967, c. 76, § 11, eff. May 31, 1967. Amended by L. 1979, c. 65, § 1.

N.J.S.A. 55:13A-12 CERTIFICATE OF REGISTRATION; FILING; FEE; APPOINTMENT OF AGENT; NOTICE OF VIOLATION

(a) The owner of each hotel, or of each multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, shall file with the commissioner, upon forms provided by the commissioner, a certificate of registration. Each such certificate of registration shall be accompanied by a fee of \$10.00 and shall include such information as the commissioner shall prescribe to enforce the provisions of this law; provided, however, that in the case of a multiple dwelling, the information required shall be at least that required pursuant to section 2 of P.L. 1974, c. 50 (C. 46:8-28). Upon the receipt of

said certificate of registration and fee, the commissioner shall forthwith validate and issue to the owner of such hotel or multiple dwelling a validated copy of the certificate of registration, which validated copy shall be kept posted by the owner of such hotel or multiple dwelling at all times in the lobby or other conspicuous place on the premises. The posted certificate shall be reasonably protected from removal, alteration, defacement or damage by the elements in such manner as the commissioner may prescribe.

(b) The owner of each hotel, or of each multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other shall appoint an agent for the purpose of receiving service of process and such orders or notices as may be issued by the commissioner pursuant to this act. Each such agent so appointed shall be a resident of the county in which the hotel or multiple dwelling is located or shall have an office in the county. If the agent is a corporation, it shall be licensed to do business in this State.

(c) In the case of any transfer of the ownership in any hotel, or of any multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, whether by sale, assignment, gift, intestate succession, testate devolution, reorganization, receivership, foreclosure or execution process, it shall be the duty of the new owner thereof to file with the commissioner, within 20 days of said transfer, a certificate of registration pursuant to subsection (a) of this section, and to appoint an agent for the service of process pursuant to subsection (b) of this section.

(d) In any case whether the owner of a hotel or multiple dwelling subject to the provisions of this act has not fulfilled the requirements of this section, the commissioner shall notify the owner of the violation of this section and order that registration be accomplished within 30 days. The notice and order shall include an accurate restatement of the subsection with which the owner has not complied. If the owner has not complied with the order of the commissioner within 30 days, he shall be liable for a penalty of \$200.00 for each registration which the commissioner shall have ordered. The commissioner may issue a certificate to the clerk of the superior court that an owner is indebted for the payment of such penalty and thereupon the clerk shall immediately enter upon his record of docketed judgments the name of such owner, and of the State, a designation of the statute under which the penalty is imposed, the amount of the penalty so certified and the date such certification was made. The making of the entry shall have the same force and effect as the entry of the docketed judgment in the office of such clerk, and the commissioner shall have all of the remedies and maintain all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in a civil action, but without prejudice to the owner's right of appeal.

L. 1967, c. 76, § 12, eff. May 31, 1967. Amended by L. 1970, c. 138, § 5; L. 1981, c. 442, § 6.

N.J.S.A. 55:13A-12.1 RETREAT LODGING FACILITIES; REGISTRATION

Retreat lodging facilities shall be subject to registration pursuant to section 12 of P.L. 1967, c. 76 (C. 55:13A-12) in the same manner as hotels; provided, however, that the certificate of registration shall designate the building as a retreat lodging facility.

L. 1987, c. 270, § 2.

N.J.S.A. 55:13A-13 INSPECTION; APPLICATION FOR CERTIFICATE; FEE

(a) Each multiple dwelling and each hotel shall be inspected at least once in every five years for the purpose of determining the extent to which each hotel or multiple dwelling complies with the provisions of this act and regulations promulgated hereunder.

(b) Within 90 days of the most recent inspection, the owner of each hotel shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Said application shall be accompanied by a fee as follows: \$15 (amended to \$20*) per unit of dwelling

space for the first 20 units of dwelling space in any building or project, \$12 (amended to \$16*) per unit of dwelling space for the 21st through 100th unit in any building or project, \$8 (amended to \$10*) per unit of dwelling space for the 101st through 250th unit in any building or project, and \$5 (amended to \$7*) per unit of dwelling space for all units over 250 in any building or project, except that in the case of hotels open and operating less than six months in each year the fee shall be one-half that which would otherwise be required. A certificate of inspection and the fees therefor shall not be required more often than once every five years.

Additionally, there shall be reinspection fees for hotels in the amount of \$10 (amended to \$13*) for each dwelling unit reinspected.

Within 90 days of the most recent inspection of any multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, the owner of each such multiple dwelling shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Said application shall be accompanied by a fee of \$33 (amended to \$43*) per unit of dwelling space for the first 7 units in any building or project, \$21 (amended to \$27*) per unit of dwelling space for the 8th through the 24th unit in any building or project, \$18 (amended to \$23*) per unit for the 25th through the 48th unit in any building or project, and \$12 (amended to \$16*) per unit of dwelling space for all units of dwelling space over 48 in any building or project, provided that the maximum total fee for owner-occupied three-unit multiple dwellings shall be limited to \$65 (amended to \$85*) for owners having a household income that is less than 80 percent of the median income for households of similar size in the county in which the multiple dwelling is located, and the maximum total fee for owner-occupied four-unit multiple dwellings shall be limited to \$80 (amended to \$104*) for owners having a household income that is less than 80 percent of the median income for households of similar size in the county in which the multiple dwelling is located. A certificate of inspection and the fees therefor shall not be required more often than once every five years.

Additionally, there shall be reinspection fees for multiple dwellings in the amount of \$40 (amended to \$52*) for each dwelling unit reinspected, but only after the first reinspection.

The commissioner may waive the inspection fee for any unit upon a finding that the unit has been thoroughly inspected within the previous 12-month period under a municipal ordinance requiring inspection upon change of occupancy in accordance with the maintenance standards established by the commissioner under this act, and has received a municipal certificate of occupancy as a result of that inspection.

If the commissioner finds that (1) a building has been thoroughly inspected prior to resale since the most recent inspection in accordance with this section, (2) the inspection prior to resale was conducted by the municipality in accordance with the maintenance standards established by the commissioner under this act, and (3) a municipal certificate of occupancy was issued as a result of that inspection, the commissioner may accept the inspection done prior to resale in lieu of a current inspection under this section. If the commissioner accepts an inspection prior to resale in lieu of a current inspection, no fee shall be charged for any inspection done by the commissioner within five years after the date of the inspection so accepted.

(c) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling complies with the provisions of this act and regulations promulgated hereunder, then the commissioner shall issue to the owner thereof, upon receipt of the application and fee as required by subsection (b) of this section, a

*Amended by rule, N.J.A.C. 5:10-1.12(h) as of August 2002.

*Amended by rule, N.J.A.C. 5:10-1.12(h) as of August 2002.

certificate of inspection. Any owner to whom a certificate of inspection is issued shall keep said certificate posted in a conspicuous location in the hotel or multiple dwelling to which the certificate applies. The certificate of inspection shall be in such form as may be prescribed by the commissioner.

The commissioner may, upon finding a consistent pattern of compliance with the maintenance standards established under this act in at least 20 percent of the units in a building or project, issue a certificate of inspection for the building or project, in which case the inspection fee shall be charged on the basis of the number of units inspected.

The commissioner may by rule establish standards for self-inspection by condominium associations exercising control over buildings of not more than three stories, constructed after 1976, and certified by the local enforcing agency having jurisdiction as being in compliance with the Uniform Fire Code promulgated pursuant to P.L. 1983, c. 383 (C. 52:27D-192 et seq.), in which at least 80 percent of the dwelling units are occupied by the unit owners. The commissioner shall issue a certificate of acceptance, which shall be in lieu of a certificate of inspection, upon acceptance of any such self-inspection and upon payment of a fee of \$25.

(d) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling does not comply with the provisions of this act and regulations promulgated thereunder, then the commissioner shall issue to the owner thereof a written notice stating the manner in which any such hotel or multiple dwelling does not comply with this act or regulations promulgated thereunder. Said notice shall fix such date, not less than 60 days nor more than 180 days, on or before which any such hotel or multiple dwelling must comply with the provisions of this act and regulations promulgated thereunder. If any such hotel or multiple dwelling is made to comply with the provisions of this act and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall issue to the owner thereof a certificate of inspection as described in subsection (c) of this section. If any such hotel or multiple dwelling is not made to comply with the provisions of this act and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall not issue to the owner thereof a certificate of inspection as described in subsection (c) of this section, and shall enforce the provisions of this act against the owner thereof.

(e) The commissioner shall annually review the cost of implementing and enforcing this act, including the cost to municipalities of carrying out inspections pursuant to section 21 of this act, and shall establish by rule, not more frequently than once every three years, such fees as may be necessary to cover the costs of such implementation and enforcement; provided, however, that any increase or decrease shall be applied as a uniform percentage to each category of fee established herein, and provided, further, that the percentage amount of any increase shall not exceed the percentage increase in salaries paid to State employees since the then current fee schedule was established. The commissioner shall provide by rule to owners the option of paying inspection fees in installments in the form of an annual fee. The commissioner shall annually prepare and file with the presiding officers of the Senate and General Assembly and the legislative committees having jurisdiction in housing matters a report setting forth the amounts of fees and penalties received by the Bureau of Housing Inspection, the cost to the bureau of enforcing this act, and information concerning the productivity of the bureau. Copies of the report shall also be submitted to the Office of Administrative Law for publication in the New Jersey Register and to the members of the Hotel and Multiple Dwelling Health and Safety Board. If in any State fiscal year the fee revenue received by the bureau exceeds the cost of enforcement of this act, the excess revenue shall be distributed pro rata to persons who paid inspection fees during that fiscal year. Such distribution shall be made within three months after the end of the fiscal year.

(f) Except as otherwise provided in section 2 of P.L. 1991, c. 179 (C. 55:13A-26.1), the fees established by or pursuant to the provisions of this section are dedicated to meeting the costs of implementing and enforcing this act and shall not be used for any other purpose. All receipts in excess of \$2,200,000 are hereby appropriated for the purposes of this act.

L. 1967, c. 76, § 13; amended 1970, c. 138, § 6; 1971, c. 229; 1987, c. 30, § 2; 1991, c. 179, § 1.

N.J.S.A. 55:13A-13A CONDUCT OF INSPECTIONS BY COMMISSIONER OR MUNICIPALITIES WITH PERMANENT LOCAL AGENCY

(a) Any inspection required under P.L. 1967, c. 76 (C. 55:13A-1 et seq.) shall be conducted by the commissioner except as provided in subsection (b) of this section or where a municipality has a cooperative arrangement, with the bureau to perform these inspections in which case the inspection shall be conducted by the municipality; provided, however, that nothing in this section shall preclude the bureau from conducting inspections in any municipality for the purpose of monitoring or auditing the performance of local agencies, as provided hereinafter, or inspectors, or for the purpose of dealing with imminent hazards.

(b) In any municipality which maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances and regulations concerning buildings and structures within the municipality, and such agency is supervised by, and has all hotel and multiple dwelling inspections performed by persons licensed by, the commissioner under this act, the municipal governing body may by ordinance designate that agency to conduct the inspections and enforce the regulations prescribed by or pursuant to P.L. 1967, c. 76 (C. 55:13A-1 et seq.). Where an ordinance is in effect all inspections required pursuant to P.L. 1967, c. 76 within the territorial limits of the municipality shall be conducted by the agency so designated, subject to the supervision and control of the commissioner; and all applications otherwise directed by law to be filed with the commissioner, and all fees and penalties otherwise to be imposed or collected by the commissioner, shall in such a municipality be filed with, or imposed or collected by, the local agency designated by ordinance pursuant to this subsection; provided, that in no case shall the local agency collect or impose a penalty in excess of the minimum amount which the commissioner is authorized by law to collect or impose for the same violation, or to assess a continuing penalty, without the written prior approval of the bureau. The commissioner shall have the power to order corrective action as may be necessary where a local agency is found to be failing to carry out its responsibilities under this act and to suspend the authority of the local agency under this subsection where the local agency repeatedly or habitually fails to enforce the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C. 55:13A-1 et seq.) and the regulations adopted pursuant thereto.

(c) Any person affected by the determinations made pursuant to any inspection conducted under P.L. 1967, c. 76 (C. 55:13A-1 et seq.) may appeal those determinations to the Office of Administrative Law with the final decision to be issued by the commissioner; provided, however, that the cost of any such hearing to the department shall be borne by the local agency in any case where the inspection fee is required to be paid to a local agency or in which the notice, order or decision being contested was issued by a local agency.

L. 1987, c. 30, § 3.

N.J.S.A. 55:13A-13.1 RETIREMENT COMMUNITY; EXCLUSION FROM DEFINITION OF MULTIPLE DWELLING; COMPLIANCE WITH FIRE SAFETY STANDARDS; SELF-INSPECTION; FILING CHECKLIST; CERTIFICATION; FAILURE TO COMPLY; NOTICE

(a) Any retirement community as defined in the "Retirement Community Full Disclosure Act," P.L. 1969, c. 215 (C. 45:22A-1 et seq.) shall be exempt from inclusion in the definition of multiple dwellings contained in paragraph (k) of section 3 of P.L. 1967, c. 76 (C. 55:13A-3), provided that the retirement community complies with the basic standards relating directly to fire safety which are established for its buildings by rule or regulation of the commissioner and provided further, that the retirement community files with the commissioner, at least once every five years, as evidence of a satisfactory self-inspection, a completed checklist, which shall be provided by the commissioner, of items established under the fire safety regulations. The retirement community shall also file a certification, from the municipal fire protection subcode official or an equally competent person selected and paid by the municipality in which the retirement community is located, that the self-inspection has been properly carried out. A fee

schedule for certification may be established by the municipality providing for a charge of up to \$8.00 per dwelling unit for each of the first 100 units inspected and up to \$5.00 per unit for each unit inspected thereafter.

(b) The commissioner may require common area smoke detectors in buildings, and the retirement community may utilize detector units which are either (1) of the alternating current (AC) constantly active electric circuit type, which cannot be deactivated by the operation of any interconnected switching device and which comply with the latest NJPA-70 (National Electrical Code) requirements or (2) of the battery-powered single station type. The owners of each unit utilizing any common area shall be jointly responsible for inspecting the detector unit in the common area and for ensuring that its battery is inspected periodically and replaced at least annually.

(c) If the municipality determines, as a result of the most recent self-inspection of any building or unit as required by this amendatory and supplementary act, that any building or unit does not comply with the provisions of this amendatory and supplementary act and regulations promulgated thereunder, then the municipality shall issue to the nonprofit corporation a written notice stating the manner in which a building or unit does not comply with this amendatory and supplementary act or regulations promulgated thereunder. The notice shall fix a date, not less than 60 days nor more than 180 days, upon which a building or unit shall comply with the provisions of this amendatory and supplementary act and regulations promulgated, thereunder. If building or unit does not comply with the provisions of this amendatory and supplementary act and regulations promulgated, on or before the date fixed in the notice, the municipality shall notify the commissioner, who shall enforce the provisions of P.L. 1967, c. 76 (C. 55:13A-1 et seq.) against the nonprofit corporation or the unit owner thereof, based on their respective liabilities as contained in the nonprofit corporation's master deed, bylaws, and rules and regulations.

L. 1983, c. 154, § 2, eff. April 22, 1983.

N.J.S.A. 55:13A-13.2 RETREAT LODGING FACILITY; INSPECTION FEE

No fee shall be charged for the inspection of any retreat lodging facility, as otherwise required pursuant to section 13 of P.L. 1967, c. 76 (C. 55:13A-13).

L. 1987, c. 270, § 3.

N.J.S.A. 55:13A-14 (REPEALED BY L. 1970, C. 138, § 7)

N.J.S.A. 55:13A-15 (REPEALED BY L. 1987, C. 30, § 4, EFF. JANUARY 27, 1987)

N.J.S.A. 55:13A-16 VIOLATIONS; ORDER TO TERMINATE; INJUNCTIVE RELIEF

(a) If the commissioner shall discover any violation of the provisions of this act or any rules and regulations promulgated thereunder upon any inspection of any hotel or multiple dwelling, then the commissioner shall issue and cause to be served on the owner thereof a written order requiring said owner to terminate, or cause to be terminated, any such violation. Such written order shall state the nature of any such violation and a reasonable specified time within which any such violation must be terminated. Such written order shall also require and direct the owner to whom it is issued to take, or cause to be taken, such affirmative action as may be necessary to correct any such violation.

(b) The commissioner may petition the Superior Court of this State for mandatory injunctive relief enforcing any order issued by the commissioner pursuant to subsection (a) of this section. In any such proceeding the Superior Court may proceed in a summary manner or otherwise, and shall have power to grant such temporary relief or restraining order as it may deem just and proper, and to make and enter a

decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part any order issued by the commissioner pursuant to subsection (a) of this section.

L. 1967, c. 76, § 16, eff. May 31, 1967.

N.J.S.A. 55:13A-17 ORDER TO VACATE; REINSPECTION; HEARING; INJUNCTIVE RELIEF

(a) If upon any inspection of any hotel or multiple dwelling the commissioner shall discover any violation of the provisions of this act or any rules and regulations promulgated thereunder, which constitutes an imminent hazard to the health, safety or welfare of the occupants or intended occupants thereof, or of the public generally, the commissioner may issue and cause to be served on the owner thereof a written order directing: (1) that any such hotel or multiple dwelling be vacated forthwith or, (2) that the violation be corrected within the period specified in the order. Such written order shall state the nature of any such violation and the date and hour by which: (1) any such hotel or multiple dwelling must be vacated or (2) any such violation must be abated.

(b) Upon the receipt by the commissioner of written notice from the owner of any hotel or multiple dwelling vacated or ordered to be vacated stating that any such violation has been terminated, the commissioner shall reinspect said hotel or multiple dwelling within 1 working day of the receipt of said notice. If upon any such reinspection the commissioner shall determine that any such violation has been terminated, the commissioner shall rescind any order requiring the vacation of said hotel or multiple dwelling, and occupancy thereof may be resumed forthwith; provided, that if any such reinspection is not made by the commissioner within 1 working day of the receipt of said notice, occupancy of any such hotel or multiple dwelling may be resumed forthwith.

(c) Where the owner of any hotel or multiple dwelling denies that any violation justifying an order to vacate exists, said owner may apply to the commissioner for a reconsideration hearing, which hearing must be afforded and a decision rendered by the commissioner within 48 hours of the receipt by the commissioner of the application for said hearing. If the commissioner shall decide adversely to said owner, said owner may petition the Superior Court of this State for injunctive relief against any order of the commissioner directing that any such hotel or multiple dwelling be vacated forthwith. Such relief may be sought by an order to show cause and may be granted ex parte pending a hearing de novo; provided, that the only issue to be determined in the hearing de novo shall be the existence of any violation of the provisions of this act, or rules and regulations promulgated thereunder, which constitutes an imminent hazard to the health, safety or welfare of the occupants or intended occupants of any such hotel or multiple dwelling, or to the public generally.

(d) Where the owner of any hotel or multiple dwelling denies that any violation justifying an order to abate within a specific period exists, said owner may seek injunctive relief by an order to show cause and said relief may be granted ex parte pending a hearing de novo provided, that the only issue to be determined in the hearing de novo shall be the existence of any violation of the provisions of this act, or rules and regulations promulgated thereunder, which constitutes a hazard to the health, safety or welfare of the occupants or intended occupants of any such hotel or multiple dwelling, or to the public generally.

L. 1967, c. 76, § 17, eff. May 31, 1967. Amended by L. 1970, c. 138, § 9.

N.J.S.A. 55:13A-18 AGGRIEVED PERSONS; HEARING; NOTICE

Any person aggrieved by any ruling, action, order, or notice of the commissioner pursuant to this act, except any order or notice issued by the commissioner pursuant to sections 12(d), 15(e), and 17 of this act shall be entitled to a hearing before the commissioner. The application for such hearing must be filed with the commissioner within 15 days of the receipt by the applicant thereof of notice of the ruling, action, order or notice complained of. No such hearing shall be held except upon 15 days' written notice to all interested parties, and each such hearing shall be held within 30 days of the receipt of the application therefor. When a hearing officer is designated by the commissioner to conduct hearings, said hearing

officer shall issue a recommended report and decision within 30 days after the completion of any hearing, a copy of which shall be filed with the commissioner and mailed to all parties of record. Each party of record shall be afforded 15 days in which to file exceptions, objections, and replies thereto, and to present argument to the commissioner. Within 15 days thereafter, the commissioner shall issue an order which adopts, rejects, or modifies the recommended report and decision, a copy of which shall be served on all parties of record. Pending the determination of the commissioner, and upon application therefor, the commissioner may grant a stay of the ruling, action, order, or notice complained of; provided, that no such stay shall be granted except upon such terms and conditions as will adequately protect the occupants or intended occupants of the hotel or multiple dwelling involved, or the public generally.

L. 1967, c. 76, § 18, eff. May 31, 1967. Amended by L. 1970, c. 138, § 10.

N.J.S.A. 55:13A-19 OBSTRUCTION OF COMMISSIONER; PENALTY

(a) No person shall

1. Obstruct, hinder, delay or interfere with, by force or otherwise, the commissioner in the exercise of any power or the discharge of any function or duty under the provisions of this act; or
2. Prepare, utter or render any false statement, report, document, plans or specifications permitted or required to be prepared, uttered or rendered under the provisions of this act; or
3. Render ineffective or inoperative any protective equipment installed, or intended to be installed, in any hotel or multiple dwelling; or
4. Refuse or fail to comply with any lawful ruling, action, order or notice of the commissioner; or
5. Violate, or cause to be violated, any of the provisions of this act.

(b) Any person who violates, or causes to be violated, any provision of subsection (a) of this section shall be liable to a penalty of not less than \$50.00 nor more than \$500.00 for each violation, and a penalty of not less than \$500.00 nor more than \$5,000.00 for each continuing violation. Where any violation of subsection (a) of this section is of a continuing nature, each day during which such continuing violation remains unabated after the date fixed by the commissioner in any order or notice for the correction or termination of such continuing violation, shall constitute an additional, separate and distinct violation, except during the time an appeal from said order may be taken or is pending. The commissioner, in the exercise of his administrative authority pursuant to this act, may levy and collect penalties in the amounts set forth in this section. Where the administrative penalty order has not been satisfied within 30 days of its issuance the penalty may be sued for, and recovered by and in the name of the commissioner in a civil action by a summary proceeding under the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.) in the Superior Court.

(c) Any person shall be deemed to have violated, or to have caused to be violated, any provision of subsection (a) of this section whenever any officer, agent or employee thereof, under the control of and with the knowledge of said person shall have violated or caused to be violated any of the provisions of subsection (a) of this section.

(d) The commissioner may cancel and revoke any permit, approval or certificate required or permitted to be granted or issued to any person pursuant to the provisions of this act if the commissioner shall find that any such person has violated, or caused to be violated, any of the provisions of subsection (a) of this section.

(e) Any penalties collected pursuant to this section levied as the result of a violation of subsection (w) of section 7 of P.L. 1967, c. 76 (C. 55:13A-7) and which occurred pursuant to inspection for lead-based paint hazards shall be deposited in the Lead Hazard Control Assistance fund established pursuant to

section 4 of P.L. 2003, c. 311 (N.J.S.A. 52:27D-437.1 et al.) (now before the Legislature as this bill). Penalties levied as the result of multiple violations shall be allocated to the Lead Hazard Control Assistance fund in such proportion as the commissioner shall prescribe.

L. 1967, c. 76, § 19, eff. May 31, 1967. Amended by L. 1970, c. 138, § 11.

N.J.S.A. 55:13A-20 SERVICE OF RULING, NOTICE, OR ORDER

(a) Notices required or permitted to be issued and served pursuant to this act shall be served as follows:

1. On the owner:

i. By mailing same by certified mail, return receipt requested, to the person designated as owner or agent on the certificate of registration or in the municipal tax records or in the records of the Secretary of State.

ii. If the above certified mailing is returned, the original letter shall be remailed to the last known address by common mail.

2. On the occupant:

i. By mailing same by certified mail, return receipt requested, to said occupant, or

ii. If the above certified mailing is returned the original letter shall be remailed to the last known address by common mail.

(b) Rules, Decisions and Orders required or permitted to be issued and served pursuant to this act shall be served as follows:

1. On the owner:

i. By mailing same by certified mail, return receipt requested, to the person designated as owner or agent on the certificate or registration or in the municipal tax records or in the records of the Secretary of State.

ii. By serving same on the Secretary of State, who shall be deemed the owner's agent for service of process, provided however, that reasonable efforts have first been made to serve the owner or his agent by certified mail and that a copy of such notice is posted in a conspicuous location on the premises. "Conspicuous location" shall include the walls of the front vestibule or in any common foyer or hallway immediately inside the main front entrance.

2. On the occupant:

i. By mailing same by certified mail, return receipt requested, addressed to the occupant at the premises, or

ii. By leaving same at the dwelling unit of the occupant with a person of the age of 14.

(c) The date of service shall be considered the date of personal service or the date of the third day after mailing, whichever occurs later.

L. 1967, c. 76, § 20, eff. May 31, 1967. Amended by L. 1970, c. 138, § 12.

N.J.S.A. 55:13A-20.1 SHORT TITLE

This act shall be known and may be cited as the "Violation Disclosure Act."

L. 1975, c. 191, § 1, eff. August 16, 1975.

N.J.S.A. 55:13A-20.2 MORTGAGE HOLDER OF RECORD; NOTICE OF FAILURE BY OWNER TO ABATE VIOLATIONS

Whenever the Attorney General files an action in the Superior Court, on behalf of the Commissioner of Community Affairs, pursuant to section 6 (C. 55:13A-6) of the "Hotel and Multiple Dwelling Law" P.L. 1967, c. 76 or the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.) following the failure of an owner of a building subject to the Hotel and Multiple Dwelling Law to abate violations of the regulations promulgated pursuant to the law after receipt of notices and orders to terminate violations as required by the law or the failure of the owner to pay a civil penalty assessed pursuant to the laws after receipt of notice and order to pay penalty the Commissioner of Community Affairs shall cause to be forwarded, by regular first class mail, to any mortgage holder of record a notice of filing of the action and copies of any notices and orders which provide the cause for said action. The mortgage holder of record shall be any holder of record as filed with the municipal clerk pursuant to P.L. 1974, c. 50 (C. 46:8-27 et seq.).

L. 1975, c. 191, § 2, eff. August 16, 1975.

N.J.S.A. 55:13A-21 ENFORCEMENT OF PROVISIONS

Each municipality of this State is hereby authorized to enforce the provisions of this act, and any rules or regulations promulgated thereunder, within the corporate limits thereof, subject to the control and supervision of the commissioner and in accordance with such rules and regulations as the commissioner may issue and promulgate. The commissioner shall consult with and advise any municipality which enforces the provisions of this act, and any rules and regulations promulgated hereunder, and each such municipality shall furnish the commissioner with such reports, data and information as the commissioner may deem necessary.

L. 1967, c. 76, § 21, eff. May 31, 1967.

N.J.S.A. 55:13A-22 OFFENSES

No offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred, prior to the repeal or revision of any act or any part thereof by the enactment of this act, shall be discharged, released or affected by the repeal or revision of the act or part thereof under which such offense, liability, penalty or forfeiture was incurred, and indictments, prosecutions and actions for such offenses, liabilities, penalties or forfeitures committed or incurred prior to the effective date of this act shall be commenced or continued and be proceeded with in all respects as if the act or part thereof had not been repealed or revised; and all such matters or proceedings pending on the effective date of this act shall be continued by the commissioner.

L. 1967, c. 76, § 22, eff. May 31, 1967.

N.J.S.A. 55:13A-23 ACTIONS OR PROCEEDINGS; RECORDS

The record or determination of any action or proceeding under this act, or any statement, report or record of any kind whatsoever obtained or received by the commissioner in connection with the administration or enforcement of the provisions of this act, shall be public records and reasonably available for public inspection.

L. 1967, c. 76, § 23, eff. May 31, 1967.

N.J.S.A. 55:13A-24 HEARINGS; RULES OF EVIDENCE

In any hearing under this act required or permitted to be held before the commissioner, the commissioner shall not be bound to apply the strict rules of evidence prevailing in civil actions in courts of competent jurisdiction.

L. 1967, c. 76, § 24, eff. May 31, 1967.

N.J.S.A. 55:13A-25 POWERS AND DUTIES OF LOCAL BOARDS OF HEALTH NOT IMPAIRED

(a) This act is not intended, and nothing in this act shall be construed, to abrogate or impair the powers and duties of local boards of health, of the Department of Health under chapter 177 of the laws of 1947.

(b) This act is not intended, and nothing in this act shall be construed, to preclude the right of any municipality to adopt and enforce ordinances or regulations more restrictive than this act or any rules or regulations promulgated thereunder.

L. 1967, c. 76, § 25, eff. May 31, 1967.

N.J.S.A. 55:13A-26 FEES AND PENALTIES; DEPOSIT

The commissioner shall deposit with the State Treasurer for inclusion in the State Treasury any fee or penalty required or permitted to be paid to and received by the commissioner pursuant to the provisions of this act.

L. 1967, c. 76, § 26, eff. May 31, 1967.

N.J.S.A. 55:13A-26.1 HALF OF PENALTY MONIES TO BE DEPOSITED IN REVOLVING HOUSING DEVELOPMENT AND DEMONSTRATION GRANT FUND

Fifty percent of all penalty moneys collected by the commissioner pursuant to section 19 of P.L. 1967, c. 76 (C. 55:13A-19) shall be deposited in the Revolving Housing Development and Demonstration Grant fund established by section 5 of P.L. 1967, c. 82 (C. 52:27D-63).

L. 1991, c. 179, § 2.

N.J.S.A. 55:13A-26.2 APPROPRIATION FOR EXCESS COSTS

In the fiscal year beginning July 1, 1993, and in each fiscal year thereafter, there shall be appropriated to the Revolving Housing Development and Demonstration Grant Fund established by section 5 of P.L. 1967, c. 82 (C. 52:27D-63) an amount not less than the amount by which hotel and multiple dwelling inspection program costs during the next preceding fiscal year exceeded inspection fee revenue under the program received by the Department of Community Affairs during Fiscal Year 1991.

L. 1991, c. 179, § 3.

N.J.S.A. 55:13A-27 PARTIAL INVALIDITY

If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgments shall have been rendered.

L. 1967, c. 76, § 27, eff. May 31, 1967.

N.J.S.A. 55:13A-28 REPEAL

(a) The following acts and parts of acts are repealed: chapters 9, 10, and 12 of Title 55 of the Revised Statutes; sections 55:11-1 to 55:11-8, both inclusive, of the Revised Statutes; sections 55:11-11 to 55:11-17, both inclusive, of the Revised Statutes; and sections 1, 2, 29, 31, 32, 33, 34, 35, 36, 38, and 40 of chapter 340 of the laws of 1948.

(b) The following acts and parts of acts are repealed: chapters 1, 2, 5, 6, 7, 8, and 13 of Title 55 of the Revised Statutes; sections 55:3-1 to 55:3-22, both inclusive, of the Revised Statutes; sections 55:3-23 to 55:3-60, both inclusive, of the Revised Statutes; sections 55:4-1 to 55:4-13, both inclusive, of the Revised Statutes; sections 55:4-14 to 55:4-27, both inclusive, of the Revised Statutes; section 1 of chapter 23 of the laws of 1958; chapter 172 of the laws of 1958; and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30 of chapter 340 of the laws of 1948.

L. 1967, c. 76, § 28.